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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

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5 JOSIAH GALLOWAY,

6 Plaintiff,

7 -against- Docket No. 19-cv-5026

8 (AMD) (ARL)

9 NASSAU COUNTY; THE INCORPORATED VILLAGE OF  
10 HEMPSTEAD; Police Officer STEVEN HOROWITZ,  
Shield No. 144; Detective MATTHEW ROSS,  
11 Shield No. 834; Detective CHARLES DECARO,  
Shield No. 1047; Detective RONALD LIPSON,  
12 Shield No. 1296; Detective THOMAS D'LUGINSKI,  
Shield No. 7900; Detective GEORGE DARIENZO,  
13 Shield No. 1038; Detective KEVIN CUNNINGHAM,  
Shield No. 112; Detective Sergeant RICHARD  
14 DORSI; Detective RENE B. YAO; Detective CARL  
STRANGE, Shield No. 1225; Detective JOSEPH P.  
15 SORTINO; JOHN and JANE DOE 1-20,

16 Defendants.

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18 TELECONFERENCE

19 JUNE 15, 2021

20 10:15 A.M.

21 **EXAMINATION OF LORI MAGLIARO, a**

22 nonparty witness, held at the above date and  
23 time, pursuant to Notice, taken before Daniel  
24 Rodriguez, a Reporter and Notary Public of  
25 the State of New York.

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(Appearances continued:)

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Attorney for Non-Party Witness

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Garden City, New York 11530

BY: THOMAS LIOTTI, ESQ.

Lori Magliaro

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today.

If at any time you don't understand a question that I ask, will you let me know?

THE WITNESS: Yes.

MR. SOKOLOFF: Similarly if at any time you need to take a break let me know, and that won't be a problem.

EXAMINATION BY

MR. SOKOLOFF:

Q. How, if at all, did you prepare for today's deposition?

A. I didn't.

Q. You signed an affidavit on January 4, 2020, correct?

A. 2021, yes.

Q. Oh, 2021, right. It was notarized on January 4, 2020.

Are you familiar with that affidavit?

A. Vaguely.

Q. When was the last time you saw it?

A. January.

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Q. Why did you prepare that affidavit?

A. I didn't prepare it personally.

Q. Who prepared it?

A. Mr. Liotti.

Q. Did you direct him to prepare it?

A. No, we -- no.

Q. How did it come about that that affidavit was created by Mr. Liotti?

A. We had a discussion and he wanted it, I guess.

Q. Is everything in the affidavit true?

A. No.

Q. I'm going to show you this affidavit.

Can you see it on your screen?

A. Yes. I have to make it bigger though.

Q. I can make it bigger too. Like that?

A. That's good.

Q. So you say that Mr. Liotti prepared this?

A. Yes.

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Q. So I'd like to go through this affidavit and find out what's true in it and what isn't true.

First of all, let's go to the end where there's a signature.

Is that your signature?

A. Yes.

Q. Where were you when you signed this?

A. I was in Florida.

Q. The date was January 4, 2021, not January 4, 2020?

A. Correct.

Q. Do you know who this notary is?

A. No. It was someone that I just went to, to have it notarized. I don't personally know them, no.

Q. First, it says, "I am voluntarily coming forward to give this affidavit because it is true and because I further believe that no one should testify untruthfully under oath."

Is that something that you told Mr. Liotti?

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A. No, I didn't.

Q. So he put that in?

A. Yes. He did the whole affidavit.

Q. Then it says, "I believe in the Rule of Law and that perjury destroys the law, makes a mockery of it and undermines our system of justice."

Is that something that you wanted put in the affidavit?

A. No. In English -- no, I don't.

Q. Then it says, "I am making this affidavit *pro bono publico*, without compensation of any kind and with no promises of future consideration of any kind."

Then there's a period.

Is that something that you wanted in this affidavit?

A. No.

Q. Do you know what that *pro bono publico* means?

A. No.

Q. Then it says, "I initiated this contact with Thomas F. Liotti, Esquire, one of Mr. Galloway's former attorneys and he has

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agreed to represent me *pro bono publico* on this matter."

First of all, is that a true statement that you initiated contact with him?

A. I spoke with someone prior, then he contacted me.

Q. Who did you speak to prior?

A. My attorney that I had in the past had recommended that I speak to him.

Q. Who is that attorney that you spoke to?

A. My attorney was Nick Marino.

Q. Where is he located?

A. He's retired now. He was in Nassau County though.

Q. It says here, "He assisted me in the preparation of this affidavit. My address and phone number are being withheld due to my fear of retribution by the person against whom I am giving this affidavit to wit, Matthew Ross (56), a retired Nassau County Homicide Detective."

Was it your wish to withhold your



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2 address and phone number from this affidavit?

3 A. No.

4 Q. That was Mr. Liotti?

5 A. Yes.

6 Q. Then it says, "Mr. Ross and I lived  
7 together for two years from approximately  
8 August 2018 to November of this year."

9 Is that a true statement?

10 A. Yes.

11 Q. Then it says, "Because of a pattern  
12 of lies and deceit culminating in his  
13 testimony in -- "

14 MR. HARVIS: "By him."

15 MR. SOKOLOFF: Sorry?

16 MR. HARVIS: You missed "by  
17 him."

18 MR. SOKOLOFF: Sorry. I'll  
19 start again.

20 Q. It says, "Because of a pattern of  
21 lies and deceit by him culminating in his  
22 testimony in an Examination Before Trial on  
23 or about November 9, 2020 I elected to leave  
24 him."

25 Is any part of that statement true?

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A. Not all of it.

Q. What part is true?

A. I left him because we were having issues for a while, so...

Q. Were the issues -- did you leave him because of testimony he gave in an Examination Before Trial?

A. No.

Q. So, generally, without going into detail, what type of issues were you having with him?

A. We just had personal relationship issues, you know, that everyone goes through, without getting into detail. Tried to work on things here and there. It just wasn't working out.

Q. "6, we were never married, but Mr. Ross privately shared with me the details involving his roles in the arrest, processing and prosecution of Josiah Galloway, who as I understand was wrongfully incarcerated for more than ten years." Close quote.

First of all, did Matthew Ross tell you what involvement he had in the arrest of

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Josiah Galloway?

A. No, he didn't.

Q. He wasn't involved in Josiah Galloway's arrest, was he?

MR. HARVIS: Objection.

How would she possibly know that?

MR. SOKOLOFF: Maybe she knows it.

MR. HARVIS: I can't imagine it would be personal knowledge, but that's fine. I object.

Q. Do you know if he was involved in the actual arrest of Josiah Galloway?

A. No.

Q. Did he ever tell you that he was involved in arresting Josiah Galloway?

A. No.

Q. Did he ever tell you that he was involved in prosecuting Josiah Galloway?

A. No.

Q. Then it says, "If afforded a copy of his transcripts," that's plural, "I will be able to pinpoint exactly where he lied in

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the EBT and Municipal Law Hearing."

Now, did he ever have a Municipal Law Hearing?

A. I don't know what that is.

Q. So is that anything that you told Mr. Liotti, that Mr. Ross was involved in a Municipal Law Hearing?

A. No.

Q. Did you tell Mr. Liotti that Mr. Ross lied in a Municipal Law Hearing?

A. No.

Q. Have you ever seen any transcripts of any testimony that Matthew Ross gave?

A. No.

Q. Then it says, "Mr. Ross told me that Josiah Galloway did not match the description given to them by the victim of the assailant." Close quote.

Is that a true statement? Did Matthew Ross tell you that?

A. No.

Q. Then it says, "He told me his hair was different and they (the police) used clippers on his hair in order to make him

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look more like the assailant."

Did Matthew Ross tell you that police used clippers on Josiah Galloway's hair?

A. No.

Q. Then it says, "They contrived a lineup where Josiah wore a baseball cap to conceal the difference in hair, and since his height was not the same as the assailants, they made adjustments on that as well to make Josiah look taller."

Did Matthew Ross tell you that?

A. No.

Q. Then it says, "I was present for Mr. Ross' EBT and after it, I told him that he lied under oath and we could no longer live together and I then moved out."

Is any part of that statement true?

A. Some of it.

Q. What's true?

A. I was present there for the EBT.

Q. How about the rest of it, that after the EBT you told him that he lied under oath, "We could no longer live together and I

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then moved out"?

A. Again, we were having issues. So it was in the works of already splitting up.

Q. But did you tell him that he lied under oath?

A. No.

Q. Did you know whether he lied under oath?

A. No. I think I was mistaken.

Q. Then it says, quote, "I am willing to cooperate in any further investigation of this matter because I truly cannot believe that a police detective sworn to uphold the constitution and protect all of us, would engage in this kind of knowing and deliberate misconduct, which deprived a young man of his youth for more for than ten years, caused him to be confined in the dangerous New York prison system where he was deprived of life, liberty and the pursuit of happiness." Close quote. Then that's the end of the sentence.

Did you tell Mr. Liotti that you wanted that in the affidavit?

A. No.

1 *Lori Magliaro* 17

2 Q. Are those your words or his words?

3 A. Those are not my words.

4 MR. SOKOLOFF: I have no  
5 further questions.

6 Thank you.

7 Anybody have any questions?

8 MR. GARRY: I have no  
9 questions.

10 MR. HARVIS: I have some  
11 questions.

12 Good morning, Ms. Magliaro.

13 How are you doing?

14 THE WITNESS: Good morning.

15 How are you?

16 MR. HARVIS: I am doing  
17 well.

18 I am Gabe Harvis. I'm the  
19 attorney who represents Josiah  
20 Galloway in lawsuits that he has  
21 pending against the State of  
22 New York.

23 I'm going to ask you a few  
24 questions today and do the best you  
25 can to answer them honestly.

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Q. You are swearing to tell the truth, right?

A. Mm-hmm.

Q. Do you know what the word "perjury" means?

A. Yes.

Q. What is perjury?

A. It's when you make untruthful statements under oath.

Q. Do you understand that perjury is a crime that's punishable by penalties including imprisonment?

A. Yes.

Q. Okay. So your testimony today, which is also under oath, is that you signed a sworn document containing statements that you knew to be false; is that right?

A. No, I didn't -- no, I was mistaken. I had a lot going on.

Q. When you say you were mistaken, what was the mistake?

A. I was mistaken. This case was not -- I wasn't ever given any names of any cases or anything like that. It could have been



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just a different case that, you know?

So I'm not sure about anything anymore. I was mistaken and I was going through a lot at the time. And, honestly, I was a little bit afraid that if I didn't sign this, because once I had already spoken to Mr. Liotti, I was told that the cat was out of the bag and I had to go forward with this, and I tried to not to because I didn't feel sure about it anymore, but I was afraid because I didn't want any further actions taken towards me.

Q. What were you afraid of?

A. I was just afraid that -- I don't really know. I was just afraid because I wasn't sure. Then I wasn't represented by anyone. Because I wasn't sure and I didn't want to go forward with it anymore.

Prior to signing the affidavit, I had said that. I was just, you know, told that it was unethical for him not to go forward with this information now, even though I was unsure about it. I felt like I didn't have a choice.

1 *Lori Magliaro* 21

2 Q. When you say that you didn't have a  
3 choice, who was it that you were speaking to  
4 that gave you the impression that it would be  
5 unethical to not sign the affidavit?

6 A. My attorney.

7 Q. Who is that?

8 A. Mr. Liotti.

9 Q. So before you signed this document  
10 you told Mr. Liotti that you didn't want to  
11 sign it, and you weren't sure about the  
12 information that it contained?

13 A. Yes.

14 Q. What were you told at that point?

15 A. That it was unethical not to go  
16 forward, and I needed to speak truth to  
17 power.

18 Q. Then you did then voluntarily  
19 though sign this document under penalty of  
20 perjury?

21 MR. SOKOLOFF: Objection.

22 A. I was afraid because he told me he  
23 was representing me, and if I didn't go  
24 forward and sign this, then I would have had  
25 no representation. I was still not sure. So

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I didn't feel comfortable going ahead with anything.

Q. Let me just back up for a second.

What was the name of the attorney in Nassau County that was retired that you first contacted about this?

A. My attorney was Nick Marino.

Q. When you first contacted Mr. Marino, what made you contact him?

A. I don't know. I was going through some stuff and I wasn't sure about the case, you know, that Matt was talking about a different case. I wasn't sure about the whole thing. I was present at the EBT but everything was unsure to me.

Q. Okay.

A. So it was just I spoke to my friend about it. That's all.

Q. Well, you understand now that you've taken an oath to tell the truth today?

A. Yes.

Q. Are you, in fact, testifying truthfully today?

A. Yes, I am.

1 *Lori Magliaro* 26

2 had different kind of hair from the other  
3 people in the lineup?

4 MR. SOKOLOFF: Objection.

5 A. I'm not sure.

6 Q. When you say you are not sure, what  
7 are you not sure about?

8 A. I don't know. I don't know what  
9 you want me to say. I'm not sure  
10 specifically about -- I'm not sure.

11 Q. Okay, that's fine.

12 Let me be clear. All I want you to  
13 do is testify truthfully because you are  
14 under oath and you're subject to criminal  
15 penalties of perjury if you tell a lie.

16 So I just want to make sure you  
17 understand and that you just tell me the  
18 truth as best as you can under oath, okay?

19 A. Okay.

20 Q. So did Matthew Ross ever tell you  
21 that he participated in a lineup back when he  
22 was a detective, in which the suspect had  
23 different hair from the fillers in the  
24 lineup? Did he ever tell you that?

25 A. He told me he's participated in

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many lineups but nothing specifics about anything.

Q. So he never told you that he tried to change or did change the hairstyle of a suspect in order to participate in a lineup?

MR. SOKOLOFF: Objection.

A. No.

Q. So how did that end up getting into the affidavit that you signed?

A. Well, I heard it while he was doing the EBT.

Q. Then you went to Mr. Liotti and you told Mr. Liotti that that was a lie?

A. I didn't specifically say it was a lie. I just said I wasn't sure that, you know -- I wasn't sure and that's why I wanted to speak to someone. That's all. I didn't really know if I was going to go forward with anything because I was unsure.

Q. I understand. I get it. That's fine. I am wondering, what were you unsure about?

Were you unsure about whether he had testified truthfully? Is that what

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you're unsure about?

A. Yes.

MR. LIOTTI: Note my  
objection.

Q. That's you what caused to contact  
Mr. Marino and then Mr. Liotti is the fact  
that you were unsure about whether or not his  
testimony is truthful?

A. Yeah.

Q. Have your feelings about that  
changed at all between January of 2021 and  
now?

A. No --

MR. SOKOLOFF: Objection.

A. No. No.

Q. What I want to understand is, did  
you realize that you were signing something  
that was untrue back in January of 2021 when  
you signed it?

A. Again, I tried to, prior to signing  
it, back out of it.

Q. What did you do to try to back out  
of it?

A. I called my attorney and he advised

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me I should go forward.

Q. Then you took that advice?

A. Well, yes.

Q. You knew what you were being advised to do was a crime, committing a crime?

A. No.

Q. Well, let's back up because I want to understand.

So you understand swearing to something not true is a crime in this country?

MR. SOKOLOFF: Objection.

Q. Do you understand that?

A. Yes.

Q. I'm trying to understand the reasons -- I want to understand why in this case you elected to sign something under oath that wasn't true.

If I understand you correctly, you are saying you had pressure from your lawyer; is that right?

A. I felt pressured I was also going through a lot. It's the law. Every time